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Silver Cafe, Madras, closure without notice to workers.

* 292-A Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether it is a fact that the management of Silver Cafe, Sowcarpet, China Bazaar, Madras, has closed the cafe since the 6th December 1954, without giving any due notice either to the Government or to the Labour department or to the workers; and

(b) how many workers are unemployed on account of this closure?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) & (b) The Government have no information. The facts of the case will be ascertained and suitable action taken if necessary.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—PRIVILEGE MOTIONS *RE*

(1) AMENDMENTS TO THE CONSTITUTION—NON-DISCLOSURE TO THE HOUSE OF COMMUNICATION FROM THE CHIEF MINISTER TO THE SECRETARY, A.I.C.C., REGARDING—

MR. SPEAKER :—“Yesterday I told the House that Sri M. Narayana Kurup has given notice of a privilege motion. He thinks it is a privilege motion. I have told the House the principle that should be followed in dealing with such questions and I also told the House when a Minister must lay before the House the correspondence and when he can refuse also. I have also circulated to hon. Members the concerned starred questions and answers and also the supplementaries and their answers. I wish to know what the hon. Member Sri M. Narayana Kurup wants to say on this matter.”

* SRI M. NARAYANA KURUP :—“To understand the issues involved it is necessary to be clear about facts.”

MR. SPEAKER :—“Please tell me how this comes under the privilege motion.”

* SRI M. NARAYANA KURUP :—“The question was put by me because from the report emanating from the General Secretary, All-India Congress Committee, it was known that the opinions of State Governments regarding constitutional amendments were invited by him and all Governments excepting one or two have sent their replies. In answering my question, it has been admitted that this Government was asked both by the Central Government and the General Secretary, All-India Congress Committee to give their opinions on amendments to the Constitution.”

* THE HON. SRI C. SUBRAMANIAM :—“It is not correct to say that this Government was requested both by the Prime Minister and the General Secretary, All-India Congress Committee, to give their opinions about amendments to the Constitution. The General Secretary wrote to Sri Kamaraj Nadar, Chief Minister of the Government of Madras, in his own personal capacity.”

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* SRI M. NARAYANA KURUP :—“ If I remember correct, the Hon. Minister began by saying ‘ yes ’.”

MR. SPEAKER :—“ I want to know how the hon. Member is correct in saying that the Minister has ‘ cited ’ any document.”

* SRI M. NARAYANA KURUP :—“ To my question whether Government had received any communication both from Central Government and the General Secretary, All-India Congress Committee, the Hon. Minister replied ‘ yes ’. That means Government received both the communications.”

MR. SPEAKER :—“ Whatever might be the assumption of the hon. Member, what does he exactly mean by the word ‘ citing ’? The Hon. Minister had said that he could not, on public grounds, disclose the matter and lay it before the House.”

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noon.

* SRI M. NARAYANA KURUP :—“ I am coming to both. I am now on the first part of the question. It is admitted that a reply was sent to both. The reply to Central Government was sent by the Hon. Finance Minister representing the State Government and the reply to the General Secretary, All-India Congress Committee was sent by the Hon. Chief Minister, Sri Kamaraj Nadar, in his private capacity. In this connexion, I wish to impress upon this House that apparently it is the same reply that was sent and there is no case that the reply sent to the General Secretary was different from that sent to the Central Government. It is also a fact that that information which was conveyed—I will come to the point whether it was sent in the Chief Minister’s private capacity or in any other capacity—has been refused to be revealed to this House. Let us not confuse this issue by saying that the Hon. Minister can decline to answer any question in public interests, because here the question arises out of answers already given to questions. There is that very important distinction. Therefore, the issue before this House is whether the Hon. Minister is entitled to claim privilege of the contents of a communication or a document which was referred to in the course of an answer given on the floor of the House.”

MR. SPEAKER :—“ May I know what the hon. Member means by the word ‘ citing ’ and whether the Hon. Minister has cited any document? ”

* SRI M. NARAYANA KURUP :—“ I will come to that in my own way, Sir. There he has not cited any document.”

MR. SPEAKER :—“ Then there is no privilege.”

* SRI M. NARAYANA KURUP :—“ The question is whether this House is entitled to know the contents of the communications that have been referred to on the floor of the House.”

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MR. SPEAKER :—“ I am not disturbing the hon. Member. But I want to make the position clear. 'We can finish this work as quickly as possible. There is another motion given notice of by the Deputy Leader of the Opposition. The Hon. Minister has not cited anything.' ”

* SRI M. NARAYANA KURUP :—“ The second point is this. The stand taken by the Hon. Minister is that the Government are protected by their privilege of non-disclosure of the contents of this document to this House. Therefore, to put it in a nutshell, the question is, what are the conditions under which the Government can claim privilege of non-disclosure of a document. I have been enlightened by the Hon. Speaker himself that the privilege is not absolute. The privilege is the same as that obtainable in a court of law.”

MR. SPEAKER :—“ Only when the Hon. Minister has cited a thing. I would request the hon. Member to go through the questions and answers.”

* SRI M. NARAYANA KURUP :—“ Sir, there is some confusion.”

MR. SPEAKER :—“ Not in me, but only in the hon. Member.” (Laughter.)

* SRI M. NARAYANA KURUP :—“ Then the question will be whether the House is entitled to know the contents of a document when it is cited and whether a reference to it in reply to a question amounts to 'citing it'. I think I have made myself clear. That will depend upon your ruling whether the circumstance under which the reference has been made amounts to 'citing' or is otherwise. There can be no absolute privilege. The procedure in a court of law is if a certain document is called for and the Government claim privilege, the question is argued before the Judge in each case. It is the Judge who decides whether the Government are entitled to claim privilege or not. Similarly, my submission here is that if privilege is claimed for any document, the question has to be decided by the Hon. Speaker in each case. In this connexion, I would like to invite the attention of the House to the ruling given by the Speaker of the Lok Sabha in regard to the report of the Governor of Andhra about the breakdown of administration there. What he said there was: 'I do not press the Government on this point now, but this matter will have to be decided at a future date'. I quite agree with that. Therefore, in every case it is a matter to be decided by the Hon. Speaker. Then, my next point is . . . ”

MR. SPEAKER :—“ The hon. Member assumes that it comes under privilege motion. That assumption itself is, in my opinion, wrong.”

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* SRI M. NARAYANA KURUP :—“ My next point is that even assuming that the Government are entitled to claim the privilege, that privilege cannot be claimed if the contents of the communication or document have been already disclosed to a third party. Here it is in evidence that the contents of the communication have been disclosed to the General Secretary, All-India Congress Committee. It may be that the General Secretary of the All-India Congress Committee is the highest officer of the Congress Party which rules the country and this State now. But so far as this House is concerned, he is like any other stranger and he is not clothed with any superior authority to demand from this Government secret and confidential communications of this Government. Therefore, I would submit that though initially there was the question of privilege of non-disclosure of the document in favour of the Government, the Government can no longer claim that privilege inasmuch as they have chosen to disclose it to the General Secretary.

“ The fourth point is that, be he a Minister or a Member of this House, if he obtains certain information in his capacity as a Member or a Minister and then if he discloses that information . . . ”

MR. SPEAKER :—“ Let the hon. Member read the question and the answer. I will read them—

‘ Question.—(a) Whether the Government were invited by the General Secretary, All India Congress Committee or by the Central Government to give their opinion on amendments to the Constitution; and

(b) if so, whether any reply was given ?

Answer.—(a) Yes. Communications on the subject were received by the Chief Minister from the General Secretary of the All India Congress Committee and from the Prime Minister of India.

(b) It will not be in the public interest to disclose the information as it is of a confidential nature.’

Whether the answer was in the affirmative or negative is not known here. The Hon. Minister has only said what has actually taken place.”

* SRI M. NARAYANA KURUP :—“ My point, apart from other things, is that if any information is obtained by an hon. Member of this House or an Hon. Minister in his capacity as such Member of the House, the disclosure of that information to a third party is a breach of privilege of this House. We are not entitled to disclose the information to any third party. Unfortunately for us, the Hon. the Chief Minister is a member of this House. If any confidential information or secret of the Government is disclosed to parties other than those mentioned by me, then the concerned person will be liable to be proceeded against under the Official Secrets Act. Here the Hon. Minister himself is bound by the oath of secrecy contained in the Constitution.”

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MR. SPEAKER :—“ The hon. Member assumes certain things. He assumes that the Hon. the Chief Minister had given all the facts about the matter to the General Secretary. Why should he assume like that? ”

* SRI M. NARAYANA KURUP :—“ It is up to the Hon. Chief Minister to deny that.”

* THE HON. SRI C. SUBRAMANIAM :—“ It is open to the hon. Member to raise a point of privilege on the facts available. He should not cross-examine the Hon. the Chief Minister and try to elicit facts. Whether the hon. Member can raise a point of privilege on the facts available is the question we are considering now.”

* SRI M. NARAYANA KURUP :—“ My argument is based on these facts. All the time while these questions were put and answered, the Hon. the Chief Minister was physically present in this House. On a previous occasion, when a communication addressed to the Chief Minister was referred to, the Hon. the Finance Minister said that the Government did not receive it. Immediately the Hon. the Chief Minister got up and said that the communication was received in his private capacity. He has been silent over the matter now under reference. Therefore, unless it is proved otherwise, we must take it that the information was communicated to the General Secretary of the All-India Congress Committee. That is my submission.” 12-10 p.m.

MR. SPEAKER :—“ That is the assumption of the hon. Member.”

* SRI M. NARAYANA KURUP :—“ No, Sir. There is circumstantial evidence to support my view.”

* THE HON. SRI C. SUBRAMANIAM :—“ I have stated that as far as the General Secretary of the All-India Congress Committee is concerned, the Chief Minister wrote to him in his personal capacity.”

* SRI M. NARAYANA KURUP :—“ That only strengthens my case. If the position were otherwise, the question would have to be considered by the Committee of Privileges whether the same statement or information as conveyed to the Central Government was conveyed to the General Secretary of the All-India Congress Committee. It is a telltale admission. If it is now denied that the communication sent to the General Secretary of the All India Congress Committee was different from that sent to the Central Government, I submit that that clinches the issue. But that will be a matter to be considered by the Committee of Privileges whether the same communication was sent to the General Secretary of the

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All-India Congress Committee or a different one was sent to him. The following is the form of oath of secrecy for a Minister for a State :—

‘I, A.B., do solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister for the State of . . . except as may be required for the due discharge of my duties as such Minister.’ ”

MR. SPEAKER :—“ It means that he will not reveal anything that has taken place in the Cabinet.”

* SRI M. NARAYANA KURUP :—“ Therefore, I presume that the Hon. the Chief Minister must have come to know these facts as the Head of the State. I know he presides over the meetings of the Cabinet. If he unauthorizedly communicates the substance or the purport . . . ”

MR. SPEAKER :—“ What was it that was communicated to the General Secretary of the All-India Congress Committee? ”

THE HON. SRI C. SUBRAMANIAM :—“ The hon. Member assumes something.”

* DR. K. B. MENON :—“ May I read out the answer given by the Hon. Sri C. Subramaniam? ”

MR. SPEAKER :—“ The hon. Member assumes things.”

* DR. K. B. MENON :—“ I am not assuming things, Sir. The Hon. Sri C. Subramaniam has stated, ‘As far as the General Secretary of the All-India Congress Committee is concerned, the Chief Minister wrote in his personal capacity’.”

MR. SPEAKER :—“ But it is not known what he wrote to him.”

* THE HON. SRI C. SUBRAMANIAM :—“ I shall read my answer to the last supplementary question put the other day. It runs as follows :—

‘I have not seen the reply sent by the Chief Minister to the General Secretary, All-India Congress Committee, in his personal capacity. I know only the reply sent by this Government to the Government of India.’

In these circumstances, why should the hon. Member assume that I have tacitly admitted that both the communications are the same? ”

* SRI M. NARAYANA KURUP :—“ I have said that if it is proved that the same communication as was sent to the Central Government was sent to the General Secretary of the All-India Congress Committee, then it may be a breach of privilege. Even if the purport or substance of the communication was sent to the latter, it may be a breach of privilege. The Hon. Minister, of course, says that the Chief Minister wrote to the General Secretary, All-India Congress Committee, in his private capacity. Such dual capacities may be convenient for the Ministers in the discharge

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of their duties, but it is very embarrassing and inconvenient for the Members of this side of the House. Therefore, it is evident that some information which the Hon. the Chief Minister would not have obtained except in his capacity as a Minister was conveyed to a third party. I think it is a very indiscreet act, an unconstitutional act . . .”

MR. SPEAKER :—“ I do not agree with the hon. Member. Assuming that what he says is correct, the best thing for him would be to bring in a ‘ no confidence ’ motion against the concerned Minister.”

* SRI M. NARAYANA KURUP :—“ I expected that such a thing would be suggested to me. But this is not a question of want of confidence in a Minister. It is not a question of being in a majority or minority Party. But the issue is one involving the dignity and the proper and effective working of the House. In this connexion, I would recall to your attention the ‘ Thomas ’ episode. In that case, the Minister indiscreetly disclosed certain information a few minutes before the presentation of the Budget in the Parliament and on that ground, he resigned his post.”

MR. SPEAKER :—“ The hon. Member is jumping from one point to another. I request the hon. Member to be clear about the matter. If it is a question of disclosing a Budget secret, it happened in Dalton’s case. But that case is altogether different from the one that we are considering. The hon. Member assumes things which are not mentioned in the questions and answers. If he desires, I shall give him an opportunity to speak later on. I shall allow other hon. Members to speak now and call him to speak afterwards.”

* SRI M. NARAYANA KURUP :—“ I am talking of a principle. The principle, according to me, is one of revealing information obtained by a Minister in his capacity as Minister. If the Hon. the Speaker is of the opinion that the Hon. the Chief Minister conveyed to the General Secretary of the All-India Congress Committee information entirely different from what he could have obtained as the Chief Minister, then I admit I have no case. But if the information sent to the Central Government has been conveyed to the General Secretary of the All-India Congress Committee by the Chief Minister in his individual or private capacity, then it is a different thing.”

MR. SPEAKER :—“ Granting, for argument’s sake, that the Chief Minister has revealed to somebody a Cabinet secret, even then it will not be a question of breach of privilege of the House.”

* SRI M. NARAYANA KURUP :—“ The Cabinet is one which is responsible to this Assembly.”

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MR. SPEAKER:—"If the Chief Minister has revealed anything that took place in the Cabinet, the hon. Member can bring in a motion expressing want of confidence in the Chief Minister."

* SRI M. NARAYANA KURUP:—"The Cabinet is responsible to this Assembly. The Hon. the Chief Minister is a Member of this House. Apart from his capacity as the Chief Minister, supposing an M.L.A. reveals information to third parties confidential information obtained by him in his official capacity, will it or will it not be a breach of privilege? That is the question before the House. If such a thing is a breach of privilege, it does not make any difference if the person involved happens to be the Chief Minister. In this case, it is my submission that the Hon. the Chief Minister has disclosed some information which he got in his official capacity, either wholly or in part or substantially, to the General Secretary of the All-India Congress Committee. Therefore, the question of the proper functioning of this House, its honour and dignity are involved in this issue. Bringing in a 'no confidence' motion is not the only remedy in this respect. If that were so, if only there is a clear majority, the whole Cabinet can reveal any Cabinet secret."

MR. SPEAKER:—"We should follow certain rules in regard to all these matters."

* SRI M. NARAYANA KURUP:—"For argument's sake, let us assume that the Hon. Sri Kamaraj Nadar was not the Chief Minister of the State but that he was simply a Member of this House. Suppose he, as a Member, revealed some information which was sent to him confidentially or which was obtained by him in his capacity as a Member of this House. That would also be a breach of privilege of this House. Apart from the question of want of confidence in a Minister, any matter which affects the honour, dignity and proper working of this House involves a question of privilege. Therefore, I submit that the present issue is one which will have to be considered by the Committee of Privileges."

* SRI V. BALAKRISHNAN:—"Sir, we have been dragged into the woods and lost in the woods. But a clarification will help us to know where we are. The Hon. Sri Kamaraj Nadar has two functions and two capacities. One is as the Chief Minister of the State and the other is as the Leader of the Legislature Congress Party. As the Leader of the Legislature Congress Party, he is entitled to carry on any correspondence that he likes with the members of the High Command, and I believe that as the Leader of the Legislature Congress Party, he has expressed certain opinions to the General Secretary of the All India Congress Committee. I wish to know whether it is within the competence of this House to consider that question and whether this House should take cognizance of his correspondence, as the Leader of the Legislature Congress Party, with the General Secretary of the All-India

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Congress Committee. If the Hon. Chief Minister had carried 12-20
 on certain correspondence with anybody outside this House, cer- P.m.
 tainly this House cannot take note of that correspondence."

MR. SPEAKER :—" Even then, it should be proved that some
 Cabinet secret is involved."

* SRI V. BALAKRISHNAN :—" That is exactly so. The Hon.
 the Minister for Finance has categorically stated that the Hon.
 Chief Minister wrote to the General Secretary of the Congress High
 Command in his private capacity. I believe the Chief Minister,
 who is also the Leader of the Congress Legislature Party is at
 perfect liberty to carry on correspondence with anybody and it is
 not within the competence of this House to ask him to disclose
 the contents of the correspondence to it."

MR. SPEAKER :—" I will call hon. Member Sri S. Swayam-
 prakasam, one or two other Members, and the hon. Deputy Leader
 of the Opposition to speak on this matter and then the Hon.
 Minister to reply to the discussion."

* SRI S. SWAYAMPRAKASAM :—" Mr. Speaker, it is not
 a question of the Chief Minister or Sri Kamaraj Nadar or Sri
 Subramaniam being involved in this matter."

MR. SPEAKER :—" Let us forget names."

* SRI S. SWAYAMPRAKASAM :—" Yes, that is what I am
 also saying. Let us forget names. This is an important technical
 matter. As put by my hon. Friend Sri Narayana Kurup, the ques-
 tion to be considered is this. The Government have communicated
 certain information to the Central Government and this informa-
 tion has also been communicated to a private body. At the same
 time, this information is denied to this House."

MR. SPEAKER :—" The question is whether the same infor-
 mation as was communicated to the Central Government has been
 communicated to the private body also."

* SRI S. SWAYAMPRAKASAM :—" I am able to see that the
 Chair is under the impression that the communication sent to the
 Prime Minister may be one thing and the communication sent to
 the Congress Committee may be another"

MR. SPEAKER :—" No, no. I will explain the position. The
 Hon. Chief Minister is said to have written to the General Secretary
 of the All-India Congress Committee. The question is whether
 it is the same information or communication sent to the Prime
 Minister by the Government and which the Government refuse
 to give to this House."

* SRI S. SWAYAMPRAKASAM :—" I will come to that
 point, Sir. Hon. Member Sri Balakrishnan supported the Chief
 Minister"

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MR. SPEAKER :—“ It is not a question of one hon. Member supporting the Chief Minister or anything like that. He has given his view on the matter. Now, let us come to some conclusion on this point which is important.”

* SRI S. SWAYAMPRAKASAM :—“ Our anxiety is also to know whether any communication has been sent to the Central Government by the Madras Government and whether the same communication has also been sent to the All-India Congress Committee and is denied to us. To explain my point further, I need not go to the supplementary questions. It is enough if I make a reference to the main question and the answer thereto given by the Hon. the Minister for Finance. This is the main question—

‘(a) whether the Government were invited by the General Secretary, All-India Congress Committee or by the Central Government to give their opinion on amendments to the Constitution.’

The answer given to this question by the Hon. Sri C. Subramaniam reads as follows :—

‘(a) Yes. Communications on the subject were received by the Chief Minister from the General Secretary of the All-India Congress Committee and from the Prime Minister of India.’

The second part of the main question is this—

o, whether any reply was given ? ”

Hon. Sri C. Subramaniam's answer to this question is as follows :—

‘It will not be in the public interest to disclose the information as it is of a confidential nature.’

From the answer given by the Hon. Minister it is very clear that communications have been received from the General Secretary of the All-India Congress Committee, and the Central Government and the Madras Government have sent replies thereto. Now, the question to be considered is this. This House is denied certain information which has been supplied to an outside body, viz., the All-India Congress Committee.”

MR. SPEAKER :—“ What is the reply sent to the All-India Congress Committee? ”

* SRI S. SWAYAMPRAKASAM :—“ That we do not know.”

MR. SPEAKER :—“ Then, why should the hon. Member assume things? ”

* SRI S. SWAYAMPRAKASAM :—“ Whatever it is, it is a fact that a reply has been sent to the All-India Congress Committee.”

MR. SPEAKER :—“ We do not know what the Hon. the Chief Minister wrote. It may be anything.”

* SRI S. SWAYAMPRAKASAM :—“ We do not question his having sent a reply. The main question and the answer given by the Hon. Minister thereto are complete in this respect. It has been clearly stated that communications were received from the

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All-India Congress Committee and the Central Government and for both of them replies were sent. So, the information supplied to an outside body is being denied to this House. This is the only question that we will have to consider now."

* DR. K. B. MENON :—" Sir, my interpretation will be purely a layman's interpretation. I think that the circumstantial evidence that is available in this case is as material as direct evidence. To supplement what I quoted from the Hon. Finance Minister's reply, I would again like to quote from his reply. In one of his answers to supplementary questions, he stated thus, ' It is purely getting information from the Chief Minister in his personal capacity. He must be prepared to disclose the reply he had sent to the Secretary, All-India Congress Committee, in his personal capacity. It is not an official matter.' So, it is obvious that the Hon. the Chief Minister has sent a reply to the Secretary of the All-India Congress Committee, and on what subject he sent a reply is also obvious from the context. To supplement all these, there was a circular from the All-India Congress Committee Secretary to the effect that he was asking the State Government to supply him information on this subject. If we piece together all these facts, it will be evidence that the subject referred to by the All-India Congress Committee's General Secretary in his communication to the Chief Minister and the reply sent by the Chief Minister to the General Secretary are on this subject."

* SRI V. R. NAGARAJAN :—" Mr. Speaker, the Hon. the Minister for Finance has emphatically stated in answer to a question put by Sri M. Kalyanasundram in Tamil, that the Chief Minister wrote to the General Secretary of the All India Congress Committee only in his personal capacity, and that it was not an official matter. I submit this answer of the Hon. Minister must put an end to this controversy at least so far as it relates to the communication sent by the Chief Minister to the All-India Congress Committee. It is not a matter which this House can take cognizance of. It is not a matter which we should know. So the fact that this information is not disclosed in this House cannot be raised as a privilege issue.

" There is another aspect also which we must take into consideration. The Hon. Chief Minister has neither accepted the statement of the Finance Minister that he (Chief Minister) has sent a reply to the General Secretary of the All-India Congress Committee, nor has he contradicted the same. The Chief Minister is present here now. But he seems to be prepared neither to accept nor contradict the Finance Minister's statement. Therefore, we cannot assume that a communication has been sent by the Chief Minister. I would even go a step further and ask whether the statement of the Finance Minister is correct. We do not know definitely whether the Chief Minister has at all sent a communication to the

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All-India Congress Committee even in his personal capacity. Unless there is a definite view expressed by the Chief Minister himself on this point, we cannot assume that a communication has been sent by him to the All-India Congress Committee. Moreover the Finance Minister has already stated that it is not an official matter. Taking all these things into consideration, I wish to point out that this will not give rise to a privilege motion. This is my humble submission on this matter, Sir."

12-30 p.m. * SRI M. KALYANASUNDRAM :—" Sir, the point to be considered is whether the subject-matter of the letter addressed to the Prime Minister by this Government and the subject-matter of the letter addressed by Sri Kamaraj Nadar to the General Secretary of the All-India Congress Committee are the same. That is the point. I do not want to go outside the questions and answers given on the floor of this House. From these it is clear that the correspondence addressed to this Government both by the Prime Minister and the Secretary of the All-India Congress Committee is on the same subject as admitted by the Hon. the Minister for Finance in the first part of his reply."

MR. SPEAKER :—" Was the answer to that correspondence the same; that is the question? "

SRI S. SWAYAMPRAKASAM :—" Must be."

* SRI M. KALYANASUNDRAM :—" In his reply to part (b) of the question the Hon. the Finance Minister said that it would not be in the public interest to disclose the information as it was of a confidential nature. The Hon. the Finance Minister is usually a shrewed person but in the present case he has been a bit careless. If the facts were different then even at the outset he would have stated that as for the letter that was addressed to the Prime Minister, it was of a confidential nature and that it would not be in the public interest to disclose it on the floor of the House. As regards the letter addressed to the General Secretary of the All-India Congress Committee, if it was on a different matter, he ought to have said that he did not know the contents of that letter. These ought to have been his answers if the facts were different. He has admitted that the information cannot be divulged. He was aware of the replies sent but did not want to divulge. Only when pressed with further supplementaries, at the end he said he did not know the contents."

THE HON. SRI C. SUBRAMANIAM :—" Does the hon. Member think that I was telling a lie? "

* SRI M. KALYANASUNDRAM :—" That is not my contention, Sir. There was some inconsistency. The Hon. Minister became vigilant only after supplementaries were put to him. Then he was trying to correct the impression that he had impliedly created in his answer to part (b) of the question. Therefore, Sir,

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I feel that there is sufficient evidence to be examined by a Committee of Privileges, whether a matter which has been disclosed to the General Secretary of the All India Congress Committee could not be disclosed to the House."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, we have to decide on the facts available before the House whether any breach of privilege has taken place or not. With reference to the first point raised by the hon. Member, Sri Kurup, whether I can claim privilege in respect of any document or information, he seems to think that the Evidence Act is applicable to the proceedings of this House. Under the Evidence Act it is for the Court to decide ultimately the issue by examining the document. So also he wants the Speaker to take that authority to examine the document. (Interruption.) The idea was that the Hon. Speaker should also call for the document, examine it and then decide whether a minister was entitled to claim privilege on this question or not."

* SRI M. NARAYANA KURUP :—" I am not being correctly represented. I did not say the Hon. Speaker must go into the document; what I said was, the Hon. Speaker must hear the reasons why it was a privileged document. That does not mean that the Hon. Speaker decides after going through the document."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I am saying that it is not in the interest of the public to disclose the document. What further evidence can the Hon. Speaker go into, unless he has to go through the document itself and find out whether it is privileged document or not"

MR. SPEAKER :—" For the information of hon. Members I may say, no Speaker has ever gone through documents and decided questions of privilege. It is not the business of the Speaker to say: 'You say it is of a confidential nature. Well, bring it to me, I will examine and say whether it is or is not confidential.' The Speaker simply accepts the statement of the Hon. Minister when he says that the document is of a confidential nature and he cannot disclose its contents."

* THE HON. SRI C. SUBRAMANIAM :—" As a responsible Minister, Sir, I am stating on the floor of the House that it will not be in the public interest to disclose the information. That has to be taken on the face of it. If the hon. Members are not prepared to accept my statement, it amounts to their having no confidence in me."

MR. SPEAKER :—" Then they have the remedy of bringing a motion of no confidence."

* THE HON. SRI C. SUBRAMANIAM :—" That is the only remedy."

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“ The next point which the hon. Member Sri Kurup referred to was this : ‘ Here is a certain information which has been disclosed to a third party which is not a Government and that information is not being made available to the Members of this House.’ He has said so on the assumption that we have sent the same communication both to the All-India Congress Committee and the Prime Minister. This is a wrong assumption altogether. It has been made quite clear—though in the beginning it was not quite clear—whether the same communication has been sent or not. The reason why supplementary questions are allowed is to elicit further information and make matters clear. At the end I have made it clear that it was only a personal communication sent by Sri Kamaraj Nadar, Chief Minister of Madras, to the Secretary, All-India Congress Committee. Simply because he is Chief Minister, it does not mean that he should not function in any other capacity. He happens to be the Leader of the Congress Legislature Party and this forms part of the Congress organization. Therefore, he has certain responsibilities as Leader of the Legislature Congress Party to reply to the Secretary of the All-India Congress Committee. That is a different thing altogether.

“ Then, Sir, there is this communication from the Prime Minister to the Chief Minister of this State which is necessarily bound to be an official communication for which the Government have sent a reply. Sir, on the facts available, there is nothing to show that what has been disclosed to the Prime Minister and which is not being supplied to this House has been made available to the Secretary of the All-India Congress Committee. Facts placed before the House do not go to show that the same thing has been communicated to both. After all we have to decide on the facts available before the House. I do not therefore see how a question of privilege can arise.

“ Therefore, I say, Sir, on the two grounds adduced by the hon. Member Sri Narayana Kurup, there is absolutely no question of privilege. In these cases the hon. Member should leave the discretion to the Hon. Ministers whether to disclose certain information or not. After all we are Ministers responsible to this House. At the proper time everything will be placed before the House for discussion. It is we who have to decide whether premature disclosure of facts may cause injury to public interest or not. That is why we have to say at times, even though hon. Members may be very curious to know about certain matters, that they must wait for some time. They will all be taken into confidence at the proper time when they will be fully enlightened on those matters. Now there is no question of privilege arising out of my answers to that question.”

* SRI M. NARAYANA KURUP :—“ I would like the Hon. Minister to explain whether it is his contention that because the Hon. Sri Kamaraj Nadar happens to be the leader of the Congress

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Legislature Party he is also entitled to send Government communications and informations to the third party, namely, the Secretary of the All-India Congress Committee. That is one point."

THE HON. SRI C. SUBRAMANIAM :—" That question does not arise at all."

* SRI M. NARAYANA KURUP :—" The Hon. Minister said that because he happened to be the Leader of the Congress Legislature Party he sent a communication to the Secretary of the All-India Congress Committee. I would like to know from the Hon. Minister for my future guidance whether the fact that the Hon. Sri Kamaraj Nadar happens to be the Chief Minister and also the Leader of the Legislature Congress Party entitles him to disclose Government information"

MR. SPEAKER :—" I have again and again pointed out that this is assuming things as if he has revealed the information."

* THE HON. SRI C. SUBRAMANIAM :—" May I inform the hon. Member that the Hon. the Chief Minister is fully aware of his responsibility to the State and outside bodies and, therefore, the hon. Member may rest assured that he will observe all the properties required of the office of the Chief Minister? "

* SRI M. NARAYANA KURUP :—" As the Hon. Minister put it, there is some doubt as to the nature of the information sent to the General Secretary. I am not repeating. I have placed all the circumstantial evidence before the Hon. Speaker and internal evidence also to show that it seems to be the same information. Even now the Hon. Chief Minister who could have thrown true light on this subject has not come out with any statement. Therefore, if it be a court of law, I have no doubt in whose favour the inference or the presumption will be drawn. He could have cleared the doubt of the Hon. Speaker by making a statement. Probably he might say he is present here in his official capacity and not in his private capacity. According to me, it is proved beyond doubt that it is the same information that has been communicated to the Secretary of the All-India Congress Committee. If there is any doubt about it, it will be examined by the Committee of Privileges. That is why I stated any contention of that nature will only strengthen me in my position."

* THE HON. SRI C. SUBRAMANIAM :—" It is all based on wrong assumptions. We can take decisions only on facts available. Facts available show that there is absolutely no question of privilege involved in this matter."

MR. SPEAKER :—" First of all, I will place the facts before 12-40
 this House. What happened day before yesterday was that the P.m.
 hon. Member Sri Narayana Kurup, put certain questions and

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the Hon. Minister for Finance refused to disclose information on the plea that it was of a confidential nature and that to disclose it would be against public interest. I then told the House that the refusal on the part of the Hon. Minister to answer questions involving information of a confidential nature, would not come under a privilege motion. In this connection, yesterday, I quoted the relevant passage from May's Parliamentary Practice.

“The hon. Member Sri Narayana Kurup assumes certain things which are not to be seen in the answers given by the Hon. Minister. He thinks that the Hon. Chief Minister revealed to the Secretary of the All India Congress Committee, what he revealed to the Prime Minister. But it does not seem to be a fact. Let us assume however that he has revealed it. Even then, the proper method of dealing with the Hon. the Chief Minister is to bring a no-confidence motion against him. This question of refusing to answer questions will not come under a privilege motion. I do not admit that this comes under a privilege motion, and, therefore, I rule this motion out of order.”

(2) INTERCEPTION OF LETTERS BY SPECIAL BRANCH POLICE.

MR. SPEAKER :—“The hon. Member, Sri Kalyanasundram, has given notice of a motion to be referred to the Committee of Privileges. It reads as follows :—

‘The letters which I address to some of the people in my constituency and also the letters which I receive from the people in my constituency are being intercepted by the Special Branch Police. To quote an instance, I wrote a letter to one of the residents in Golden Rock regarding the action taken by me as an M.L.A. to represent the tense situation that has developed in Golden Rock due to an illegal burial of a dead body amidst residential quarters of Railway workers by a Railway officer. This letter was posted on 1st December 1954 in the Mount Road post office. But the letter was delivered in Golden Rock to the concerned person on 4th December 1954. I reliably understand that the Special Branch Head Constable took the envelope from the post office as soon as the bags were opened and the letter was with the Police for two days, i.e., on 2nd and 3rd. The envelope bears the postal seal, dated 4th December 1954, 9 a.m. It also bears the Mount Road postal seal dated 1st December 1954, which is also sought to be erased. I understand that this has been done by the Special Branch Police under instructions from the State Government.

‘Such action by the executive is a serious breach of privilege of the Members of this House and is calculated to undermine the dignity of this House. I submit the matter may be referred to the Committee of Privileges for suitable action.’

These are the facts mentioned in this motion. The hon. Member Sri Kalyanasundram says that a letter posted by him was intercepted by the Special Branch Police. He considers this action of the Police is a matter affecting the privilege of a Member. First of all we must know the definition of the word ‘privilege’. The hon. Member confuses the term ‘parliamentary privilege’ with every